

*Wiley, Rein & Fielding*

ORIGINAL

1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

**John Burgett**  
(202) 719-4239  
jburgett@wrf.com

Fax: (202) 719-7049  
www.wrf.com  
DOCKET FILE COPY ORIGINAL

April 4, 2001

**BY HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12th Street Lobby, TW-A325  
Washington, DC 20554

**RECEIVED**  
**APR 4 2001**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Amendment of Section 73.622(b),  
Table of Allotments,  
Digital Television Broadcast Stations  
(Atlantic City, New Jersey)  
MM Docket No. 01-49  
RM-10032

Dear Ms. Salas:

Submitted herewith, on behalf of Lenfest Broadcasting, LLC, the petitioner in the above-referenced proceeding, are an original and four copies of its comments in support of the Notice of Proposed Rule Making in the above-referenced proceeding.

If there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

  
John M. Burgett

Enclosures

cc: All Parties on Certificate of Service

No. of Copies rec'd 014  
List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

**RECEIVED**

APR 4 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. 01-49
Table of Allotments,	)	RM - 10032
Digital Television Broadcast Stations.	)	
(Atlantic City, New Jersey)	)	

To: Chief, Video Services Division

**COMMENTS OF LENFEST BROADCASTING, LLC  
IN SUPPORT OF RULE MAKING**

Lenfest Broadcasting, LLC ("Lenfest"), by its attorneys and pursuant to Section 1.420 of the Commission's rules, 47 C.F.R. § 1.420, hereby submits its comments in support of the Notice of Proposed Rule Making proposing to amend the Table of Allotments for the digital television ("DTV") service to change the initial DTV channel allotment for station WWAC-DT, Atlantic City, New Jersey, from Channel 50 to Channel 44.<sup>1</sup> Lenfest is the licensee of WWAC-TV, Atlantic City, New Jersey, and the petitioner herein.

**I. Background**

WWAC-TV currently operates on NTSC Channel 53. The station has been allotted DTV Channel 50 for its digital operations. In its Petition for Rule Making dated July 24, 2000 (the "Petition"), which is hereby incorporated by reference into these Comments, Lenfest proposed

---

<sup>1</sup> See *Notice of Proposed Rule Making*, MM Docket No. 01-49, RM-10032 (rel. Feb. 21, 2001).

changing its DTV channel allotment to Channel 44 in order to serve a greater population than is possible with the existing Channel 50 allotment and to eliminate the potential for interference to and from the first adjacent DTV allotment on Channel 49 for WWSI-DT, Atlantic City, New Jersey.

The Channel 50 facility proposed in WWAC-DT's pending application for a digital television construction permit would provide service to a population of 4,310,000.<sup>2</sup> However, the Petition and its accompanying engineering statement by du Treil, Lundin & Rackley, Inc. demonstrate that the operation of WWAC-DT on Channel 44 will serve a population of 5,074,000. Further, changing WWAC-DT's allotment from Channel 50 to Channel 44 would eliminate the mutual exclusivity issues that exist between the pending DTV service area expansion applications of WWAC-DT and WWSI-DT.<sup>3</sup>

The Petition and accompanying engineering statement also demonstrate that the proposed allotment would be in compliance with the Commission's principle community coverage requirements.<sup>4</sup> Moreover, the Petition demonstrates that WWAC-DT's proposed channel change will not result in any unacceptable interference to any other authorized DTV broadcast station, DTV allotment or analog television station pursuant to Section 73.623(c)(2) of the Commission's

---

<sup>2</sup> See FCC File No. BPCDT-19990604KF, as amended. The original Channel 50 allotment serves a population of only 203,000 based on the allotment data in Appendix B of the Commission's *Second Memorandum Opinion and Order On Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348 (1998).

<sup>3</sup> See FCC File Nos. BPCDT-19990604KF and BPCDT-19991019ABE, respectively.

<sup>4</sup> See 47 C.F.R. § 73.625(a).

rules.<sup>5</sup> Finally, the Petition demonstrates that operation of WWAC-DT on Channel 44 will have no adverse interference effects on any low power television or Class A television facilities. Accordingly, Lenfest submits that the substitution of DTV Channel 44 for DTV Channel 50 at Atlantic City is a preferable use of the digital television spectrum and therefore should be authorized.

## **II. Intent to Apply and Construct**

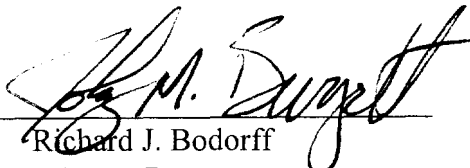
Lenfest herein states its present intention to apply for DTV Channel 44 at Atlantic City, New Jersey if it is allotted and, if authorized, to build a DTV facility promptly.

## **III. Conclusion**

For the reasons set forth above, Lenfest strongly supports the Commission's proposal to amend the DTV Table of Allotments to allot and assign DTV Channel 44 (in lieu of Channel 50) to Atlantic City, New Jersey, for use by WWAC-DT.

Respectfully submitted,

**LENFEST BROADCASTING, LLC**

By:   
Richard J. Bodorff  
John M. Burgett

WILEY, REIN & FIELDING  
1776 K Street, NW  
Washington, DC 20006  
(202) 719-7000

Its Attorneys

April 4, 2001

---

<sup>5</sup> See 47 C.F.R. § 73.623(c)(2).

**CERTIFICATE OF SERVICE**

I, Wendy Marcus, a secretary in the law firm of Wiley, Rein & Fielding, hereby certify that on this 4th day of April, 2001 I caused copies of the foregoing "Comments of Lenfest Broadcasting, LLC in Support of Rule Making" to be mailed via first-class postage prepaid mail to the following:

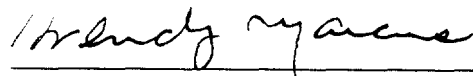
Clay Pendarvis, Esq.  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Barbara Kreisman, Esq.  
Chief, Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

H. John Morgan  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Gordon Godfrey  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Pamela Blumenthal, Esq.  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554



Wendy Marcus